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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
UNITED STATES DISTRICT COURT

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

NORTHERN DISTRICT OF CALIFORNIA

ADR

SAN JOSE DIVISION

CV 10-01480

Erik Estavillo

Plaintiff,

vs.

Sony Computer Entertainment America,
Microsoft Corp., Nintendo of America,
Activision Blizzard, Wikipedia.com,
Sarcasticgamer.com, QJ.net, Gamepolitics.com
and itresources.co.za

Defendants,

Complaint

Date: April 5th, 2010

Demands Jury Trial

HRL

1. **Jurisdiction.** The counts in this complaint involve the U.S. Constitution and other Federal statutes and laws, or treaties (28 U.S.C. § 1331).
2. **Venue.** The venue of the Northern District Federal Court of California is the appropriate venue because the defendant suffers from a number of debilitating diseases which include Crohn's Disease, Major Depression, Obsessive-Compulsive Disorder, and Panic Disorder. The plaintiff cannot travel due to his illnesses and therefore must rely on the court for help in this case.
3. **Intradistrict Assignment.** This lawsuit should be assigned to the San Jose Division of this court because it was in San Jose the violations to the disabled plaintiff occurred.

Erik Estavillo

1. The plaintiff, Erik Estavillo, has gained a lot of media attention for his individual lawsuits. One case involving Sony was heard, while all other cases against the various defendants had to be dropped by the plaintiff due to the deterioration of his health by said diseases: Crohn's Disease, Panic Disorder, Major Depression, and Obsessive-Compulsive Disorder. The plaintiff also had to drop all previous cases because of his inability to pay for subpoenas he had issued to parties of interest. However, now that he is feeling better and has saved up enough money via social security; he feels he can call all his subpoenaed expert witnesses to testify and can accurately address the grievances within this complaint against the defendants. By only creating one complaint to be filed in one court system, the plaintiff feels he can wait without harm to his health for all these grievances to be addressed. Also, a new subpoena includes Felicia Day, who could provide expert testimony about the grievances found in the count against the video game World of Warcraft.
2. This will be the last complaint that the plaintiff plans to ever file; the plaintiff even advises that the court can "ban" him from filing any more complaints, as long as this case and complaint are heard. This complaint however is of great importance because it addresses the wrongs done to millions of gamers around the world and the decision will have great ramifications. Estavillo is a crusader of sorts against the gaming industry which is researchable with a simple Google search of his name. The plaintiff feels he has been stolen from and abused by the unfair regulations the gaming industry now imposes on millions of gamers around the world. The plaintiff will provide a good amount of evidence for each count against each company listed below. The plaintiff is simply seeking that the companies listed in this complaint rectify the problems below. Any money awarded to the plaintiff will be used only to cover court costs and the rest will be given to a charity that the court can feel free to assign to. The plaintiff however wishes to set up a fund for all gamers wronged in similar ways he was wronged.
3. To begin, Estavillo would like to first charge Sony Computer Entertainment America with theft on a grand scale. SCEA has banned many innocent gamers all around the world, which include the plaintiff, while SCEA retained the money of these players via their Sony PlayStation 3 Network; where the money was held it was is known as an online wallet. When SCEA decides to ban a player arbitrarily, the players can no longer access his or her money which is located only on their Playstation Network Wallet. The plaintiff in this case has lost well over \$200 due to being banned and being unable to access items he had already paid for download via the PlayStation Network. This issue was not addressed in an earlier court hearing and needs to be addressed by the federal court.
4. A second charge is against Microsoft and their gaming console, the Xbox 360, which is notorious for its consoles failing with a percentage and rate much greater than industry standards. The plaintiff accuses Microsoft of deceptive practices and purposely releasing a product knowing it would fail at a great rate and that they would reap the benefits through their hardware support and repair center, in which



they charged a person \$99.99 to have their Xbox repaired if it was out of warranty; which Microsoft did for a number of years; mainly between 2006 to 2008. The plaintiff has experienced this first-hand.

5. The third count is against Nintendo of America for violating anti-trust laws by not allowing third-party software on their computer system known as the Nintendo Wii. A harmless third-party program known as the Homebrew Channel which adds a great deal of functionality to the Nintendo Wii has been banned, along with all other third-party software. This can be compared to Microsoft's banning of any apple software support during its anti-trust law cases. The plaintiff had his Homebrew channel blocked by Nintendo, disallowing the plaintiff to do things as simple as listen to radio channels on the Nintendo Wii system.
6. A fourth count is brought against Activision Blizzard and their video game World of Warcraft due to the publisher's deceptive subscription fees. Despite small changes the game has made, it still charges gamers a monthly subscription which is the highest in the industry. It also charges for simple changes you wish to make in the game, such as changing your race or faction. This game is notorious for it causing gamers to become addicted, obese, and negligent of their children, which a simple Google search can prove. The plaintiff was an avid player of the game for a number of months. The plaintiff asks the court to apply an injunction to World of Warcraft continuing its service the way it is; such as similar countries around the world have, which include Korea and China. The plaintiff will address the changes the game should make in the Prayer for Relief section.
7. Lastly, the plaintiff would like to charge four websites with wrong-doing. Particularly worker discrimination, violations of the "Freedom of Information Act" and libel. The first charge is against Wikipedia for deleting case information which has set precedent law in the gaming industry. The ruling was dealt by Honorable Judge Ronald M. Whyte in the case of Estavillo v. Sony Computer Entertainment America. Wikipedia has deleted all traces of this vital case and any related information law students need access to for homework. The second, third, and fourth charges are against sarcasticgamer.com, qj.net, and gamepolitics.com for libel and worker discrimination. False and hurtful articles were written about the plaintiff in this case by the named defendants, tarnishing his reputation, even though Estavillo is not a public figure but a regular disabled citizen. Both sarcasticgamer.com and qj.net at one time both offered Estavillo work as an intern in which the plaintiff sought no money, but to simply write and email in articles to the websites. However, after weeks of leading-on emails and then silence, both sites denied him an internship.
8. Lastly, the plaintiff would like to sue itresources.co.za, which is located in South Africa for denying him the right to speak to his ex-girlfriend of seven years; whom he relied on heavily for emotional support. Her name is Mela Glen-Spyron and the person in charge of where she works, Mark Harris, won't let them speak and continues to hang up on the plaintiff. Plaintiff seeks \$7,000 from said



company for emotional damages. A ten-page document about the plaintiff's pain and suffering, which has been signed by his doctors, will be given to the court during trial.

9. Prayer for Relief: The plaintiff, Erik Estavillo, is simply asking the court to address each count and grievance. For the Sony count, Estavillo is simply seeking a refund for his money located on their network and a refund to all banned gamers over the past 2 years who had money in their PlayStation Network Wallet. As for the Microsoft charges, the plaintiff merely seeks a refund from Microsoft for the people who had to pay \$99.99 for the repairing of their Xbox 360; which lemon laws will be used to address this particular count. The plaintiff also asks that the court observe anti-trust laws already in place to charge Nintendo of America with wrong-doing and that they should start allowing third-party software. The plaintiff asks that the court impose an injunction against Activision Blizzard's game World of Warcraft until they can fix their game and update it; allowing players to travel faster in the game instead of denying them access to fast travel in the game which is only in place to drive up subscription costs. Lastly, any relief the court finds fit to award the plaintiff due to the counts against the websites listed as defendants would be greatly appreciated. The plaintiff asks for a total of \$75,000 to be awarded to him, equally divided between the defendants so the money can be given to a charity or a fund that is to be created for gamers within the United States of America. If the court proposes a verdict against the plaintiff, he is willing to bear the brunt of it and pay what he has to pay, or do what he has to do for justice. He doesn't mind being a martyr if it means these grievances can and will be addressed by the honorable federal court. Thank you.

A handwritten signature in black ink, appearing to read "Erik Estavillo". The signature is written in a cursive, flowing style with some loops and flourishes.